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8
9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 CENTRAL TELEPHONE COMPANY d/b/a
12 CENTURYLINK, a Delaware corporation,

13 Plaintiff,

14 v.

15 K&N GENERAL CONSTRUCTION, INC., a
16 Nevada corporation, RICHARD L. OUSLEY
17 and LIERMANN F. OUSLEY d/b/a APACHE
18 ELECTRIC OF NEVADA, LLC, a dissolved
Nevada limited liability company, RLO
EQUIPMENT, INC., a revoked Nevada
corporation, and ARROW UNDERGROUND,
a Nevada corporation,

19 Defendants.

20 Case No.: 2:22CV-00723-GMN-BNW

21
22 **STIPULATION TO EXTEND
DISCOVERY DEADLINES
(First Request)**

23 This is the first request for an extension of discovery deadlines.

24 Pursuant to LR26-3, the parties represent and stipulate to the following:

25 **(a) Discovery completed:**

26 The parties have exchanged initial disclosures. Plaintiff has served written discovery requests to
27 Defendants, who have responded to Plaintiff's written discovery requests.

28 **(b) Discovery that remains to be completed:**

- 29 1. Defendant will serve written discovery to Plaintiff.
- 29 2. Defendant will depose Plaintiff's representative(s) with knowledge of the alleged incident.

- 1 3. Plaintiff will depose Defendant's representative(s) with knowledge of the alleged incident.
- 2 4. Defendant will depose third-party witness(es).
- 3 5. It is anticipated that experts will be retained to address liability and/or damages.

4 **(c) Why the deadline was not satisfied or the remaining discovery was not completed**
5 **within the time limits set by the discovery plan:**

6 This is a property damage case. Plaintiff alleges that its fiber optic cable was damaged during the
7 course of a construction project. Plaintiff named the general contractor, K&N Construction, and various
8 individuals/entities associated with subcontractor Apache Electric. Specifically, Plaintiff alleged that its
9 cable "was damaged during excavation with mechanized equipment". Second Amended Complaint [Doc.
10 31] ¶ 13. Plaintiff alleged that each of the Defendants caused or contributed to the damage. Id. ¶ 14.

12 Plaintiff has now settled with the K&N Construction Defendant. Plaintiff has also agreed to
13 abandon its claims against Defendants Richard Ousley, Liermann Ousley, and Arrow Underground. A
14 Third Amended Complaint has been, or will be filed, naming RLO Equipment, Inc. as the sole defendant.

15 The Discovery Plan and Scheduling Order [Doc. 22] provided the discovery deadline as December
16 29, 2023. The initial expert disclosure deadline was October 31, 2023.

17 Defendants Richard Ousley, Liermann Ousley, Apache Electric of Nevada LLC and Arrow
18 Underground, Inc. filed a motion to dismiss on March 14, 2023. [Doc. 16]. Plaintiff opposed the motion.
19 [Doc. 18]. On December 29, 2023, the Court Granted the Motion, but allowed Plaintiff 14 days to file an
20 amended complaint. [Doc. 28]. Plaintiff filed the Second Amended Complaint January 12, 2024. [Doc.
21 31].

23 The insurance company for Defendant RLO Electric, Inc. was put on notice of this claim January
24 30, 2024 and then engaged the undersigned on February 26, 2024 to represent RLO Equipment, Inc.,
25 Richard Ousley, Liermann Ousley, and Arrow Underground, which was after the deadlines had already
26 passed. Prior to the current counsel for Defendant appearing, the parties had been focused on settlement
27 and ascertaining the proper parties.

(d) Proposed schedule for completing all remaining discovery:

Therefore, the parties request that discovery be extended approximately ten months. Good cause and excusable neglect exists to extend discovery because the undersigned counsel was not engaged to represent Defendants until after the deadlines have passed. Prior to the current counsel for Defendant appearing, the parties had been focused on settlement and ascertaining the proper parties. Now that the case has been narrowed to the one remaining Defendant, the parties request the following discovery deadlines:

Discovery cutoff: January 9, 2025

Initial experts: November 11, 2024

Rebuttal experts: December 10, 2024

Dispositive motions: February 10, 2025.

DATED: April 23, 2024.

LAW OFFICES OF FOULGER & PECK

JORGENSON PLLC

/s/ Jason Peck, Esq.

By _____
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CENTURY TELEPHONE COMPANY
CENTURYLINK

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: 4/26/2024